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HOUSE BILL 2469

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State of Washington

60th Legislature

2008 Regular Session

By Representatives Upthegrove, VanDeWege, Hinkle, Dickerson, and Lantz; by request of Department of Natural Resources

Prefiled 12/20/07. Read first time 01/14/08. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to authorizing structures in waterways; and  
2 amending RCW 79.120.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 79.120.040 and 2005 c 155 s 404 are each amended to  
5 read as follows:

6 If the United States government (~~(has established pierhead lines~~  
7 ~~within a waterway created under the laws of this state at any distance~~  
8 ~~from the boundaries established by the state, structures may be~~  
9 ~~constructed in that strip of waterway between the waterway boundary and~~  
10 ~~the nearest pierhead line only with the consent of the department and~~  
11 ~~upon such plans, terms, and conditions and for such term as determined~~  
12 ~~by the department. However, no permit)), under its regulatory  
13 authority over navigable waters, has authorized structures within  
14 waterways, or has determined that no federal authorization is necessary  
15 for the structures, those structures may be constructed only with the  
16 consent of the department and upon those plans, terms, and conditions  
17 and for such a term as determined by the department. However, no  
18 permit shall extend for a period longer than thirty years.~~

1       The department may cancel any permit upon sixty days' notice for a  
2 substantial breach by the permittee of any of the permit conditions, or  
3 if the waterway is required for public highway purposes.

4       If a waterway is within the territorial limits of a port district,  
5 the duties assigned by this section to the department may be exercised  
6 by the port commission of the port district as provided in RCW  
7 79.105.420.

8       Nothing in this section shall confer upon, create, or recognize in  
9 any abutting owner any right or privilege in or to any strip of  
10 waterway abutting any street and between prolongations of the lines of  
11 the street, but the control of and the right to use the strip is  
12 reserved to the state of Washington, except as authorized by RCW  
13 79.105.420.

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